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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,995	03/05/2002	Brian Williams	4009-23	4456
23117 7590 02/20/2008 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER MEUCCI, MICHAEL D	
			ART UNIT 2142	PAPER NUMBER
			MAIL DATE 02/20/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/087,995

Applicant(s)

WILLIAMS ET AL.

Examiner

Michael D. Meucci

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

In view of the pre-appeal brief conference decision on 16 February 2007, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, Applicant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then Applicant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Because new grounds of rejection are being made, this action is **non-final**.

1. This application has been reassigned to Michael Meucci.
2. This action is in response to the Pre-Appeal Brief Conference Decision mailed on 20 November 2007.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 35-37 are rejected under 35 U.S.C. 101 because they are directed towards non-statutory subject matter. The "computer generated data signal embodied in an electrical signal" is not considered statutory subject matter. The claimed signal does not fall into any statutory category of invention. Correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Puuskari (U.S. 6,728,208 B1).

a. As per claims 1 and 18, Puuskari teaches: sending a request message associated with the multimedia session to the access point requesting a packet access bearer between the mobile terminal and the access point (lines 24-28 of column 8), and setting an indicator in the request message indicating that the access point should function as a communications protocol proxy for the mobile terminal for a media data stream of the multimedia session (lines 49-58 of column 7).

b. As per claims 2 and 19, Puuskari teaches: the request message indicated a particular quality of service associated with the packet access bearer (lines 21-24 of column 8).

c. As per claims 3 and 20, Puuskari teaches: wherein the communications protocol is used to reserve communications resources for the media data stream of the multimedia session (lines 51-60 of column 15 and lines 4-8 of column 16).

d. As per claims 4 and 21, Puuskari teaches: wherein the communications protocol is the resource reservation protocol (RSVP), and the communications protocol proxy is an RSVP proxy for the mobile terminal during the multimedia session (lines 51-60 of column 15 and lines 4-8 of column 16).

e. As per claims 5 and 22, Puuskari teaches: wherein the request message is a Packet Data Protocol (PDP) context request message (lines 18-25 of column 8) and the indicator is an RSVP proxy flag (lines 53-60 of column 15).

f. As per claims 6 and 23, Puuskari teaches: wherein the PDP context request message includes the RSVP proxy flag as a PDP configuration option (PCO) (lines 56-65 of column 15).

g. As per claims 7 and 24, Puuskari teaches: wherein the mobile terminal is a user equipment that communicates with a General Packet Radio Service (GPRS) access network by way of a Universal Mobile Telecommunication Services (UMTS) Terrestrial Radio Access Network (UTRAN), and wherein the access point is a Gateway GPRS Service Node (GGSN) (lines 45-53 of column 16).

h. As per claims 8 and 25, Puuskari teaches: receiving from the mobile terminal a request message for a packet access bearer between the mobile terminal and the access point for the multimedia session (lines 24-28 of column 8); detecting an indicator in the request message indicating that the access point should function as a communications protocol proxy for the mobile terminal for a media data stream of the multimedia session (lines 49-58 of column 7); and performing as the communications protocol proxy for the mobile terminal for the media data stream of the multimedia session (lines 51-60 of column 15 and lines 4-8 of column 16).

i. As per claims 9 and 26, Puuskari teaches: wherein the request message indicates a particular quality of service associated with the packet access bearer (lines 21-24 of column 8).

j. As per claims 10 and 27, Puuskari teaches: wherein the communications protocol is used to reserve communication resources for the media data stream of the multimedia session (lines 51-60 of column 15 and lines 4-8 of column 16).

k. As per claims 11 and 28, Puuskari teaches: wherein the communications protocol is the resource reservation protocol (RSVP), and the communications protocol

proxy is an RSVP proxy for the mobile terminal during the multimedia session (lines 51-60 of column 15 and lines 4-8 of column 16).

l. As per claims 12 and 29, Puuskari teaches: wherein the request message is a packet data protocol (PDP) context request message and the indicator is an RSVP proxy flag.

m. As per claims 13 and 30, Puuskari teaches: when the indicator is set, installing an RSVP proxy state process for the media data stream of the multimedia session in the access point from a multimedia server (lines 49-60 of column 15).

n. As per claims 14 and 31, Puuskari teaches: wherein when the RSVP proxy state process for the multimedia session is installed in the access point (lines 49-60 of column 15, wherein the GGSN is the access point), the access point generates an RSVP PATH message directed to the remote host and in response thereto receives an RSVP RESV message from the remote host on behalf of the mobile terminal (lines 53-56 of column 15), the access point storing information received in the RSVP RESV message from the remote host (lines 4-8 of column 16).

o. As per claims 15 and 32, Puuskari teaches: wherein the access point retrieves authorization information for the media data stream of the multimedia session from a multimedia server (lines 38-44 of column 1 and lines 49-58 of column 7).

p. As per claims 16 and 33, Puuskari teaches: wherein the access point retrieves quality of service information for the media data stream of the multimedia session and uses the retrieved quality of service information to generate and respond to

RSVP messages on behalf of the mobile terminal (lines 38-44 of column 1, lines 49-58 of column 7, and lines 41-43 of column 16).

q. As per claims 17 and 34, Puuskari teaches: wherein the mobile terminal is a user equipment that communicates with a General Packet Radio Service (GPRS) access network by way of a Universal Mobile Telecommunication Services (UMTS) terrestrial radio access network (UTRAN), and wherein the access point is a gateway GPRS service node (GGSN) (lines 1-2 of column 6 and lines 45-53 of column 16).

r. As per claim 35, Puuskari teaches: a Packet Data Protocol (PDP) context activation, creation, modification, or update message for establishing or updating a multimedia session between a mobile terminal and a remote host (lines 24-28 of column 8), the PDP context activation, creation, modification, or update message having plural fields of information including a PDP configuration options (PCO) field that includes an indicator indicating whether the access point should function as a communications protocol proxy for the mobile terminal for the media data stream of the multimedia session (lines 49-58 of column 7).

s. As per claim 36, Puuskari teaches: wherein the indicator field is part of an authorization token associated with the multimedia session (lines 51-60 of column 15 and lines 4-8 of column 16).

t. As per claim 37, Puuskari teaches: wherein the authorization token further includes one or both of a session identifier and a media binding identifier (lines 51-60 of column 15 and lines 4-8 of column 16).

u. As per claim 38, Puuskari teaches: a mobile terminal configured to initiate a multimedia session with a remote host (lines 49-51 of column 7); a General Packet Radio Service (GPRS) network coupled to an Internet to which the remote host is coupled to through an access network including a gateway GPRS service node (GGSN) (lines 54-58 of column 7); a access network by way of a Universal Mobile Telecommunication Services (UMTS) Terrestrial Radio Access Network (UTRAN) coupled to the GPRS network and communicating with the mobile terminal over a radio interface (lines 1-2 of column 6 and lines 45-53 of column 16); wherein the mobile terminal sends a Packet Data Protocol (PDP) context request message associated with the multimedia session to the GGSN requesting a packet access bearer between the mobile terminal and the access point and sets an indicator in the PDP context request message indicating that the GGSN should function as a communications protocol proxy for the mobile terminal for the media data stream of the multimedia session (lines 49-58 of column 7 and lines 24-28 of column 8), and wherein receives the PDP context request message, detects the indicator, and performs as the communications protocol proxy for the mobile terminal for the media data stream of the multimedia session (lines 49-58 of column 7).

v. As per claim 39, Puuskari teaches: wherein the request message indicates a particular quality of service for the packet access bearer (lines 21-24 of column 8), the communications protocol is the resource reservation protocol (RSVP) (lines 53-56 of column 15), and the GGSN is an RSVP proxy for the media data stream of the mobile terminal during the multimedia session (lines 49-58 of column 7).

w. As per claim 40, Puuskari teaches: a multimedia system server, wherein when the indicator is set, an RSVP proxy state process for the media data stream of the multimedia session is installed in the GGSN by the multimedia server ((lines 51-60 of column 15 and lines 4-8 of column 16).

x. As per claim 41, Puuskari teaches: wherein the GGSN RSVP proxy generates an RSVP PATH message directed to the remote host and receives an RSVP RESV message from the remote host on behalf of the mobile terminal (lines 53-56 of column 15), the GGSN storing information received in the RSVP RESV message from the remote host (lines 4-8 of column 16).

Response to Arguments

7. Applicant's arguments, see Pre-Brief Appeal Conference request, filed 27 July 2007, with respect to the rejections of claims 1-34 and 38-41 under 35 U.S.C. 102(e) and claims 35-37 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Puuskari (U.S. 6,728,208 B1) as shown above.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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SUPERVISORY PATENT EXAMINER